Deep Draft Navigation Module
2011 Planning Associates Class

Mission Overview
Significance, Federal Interest, Policies

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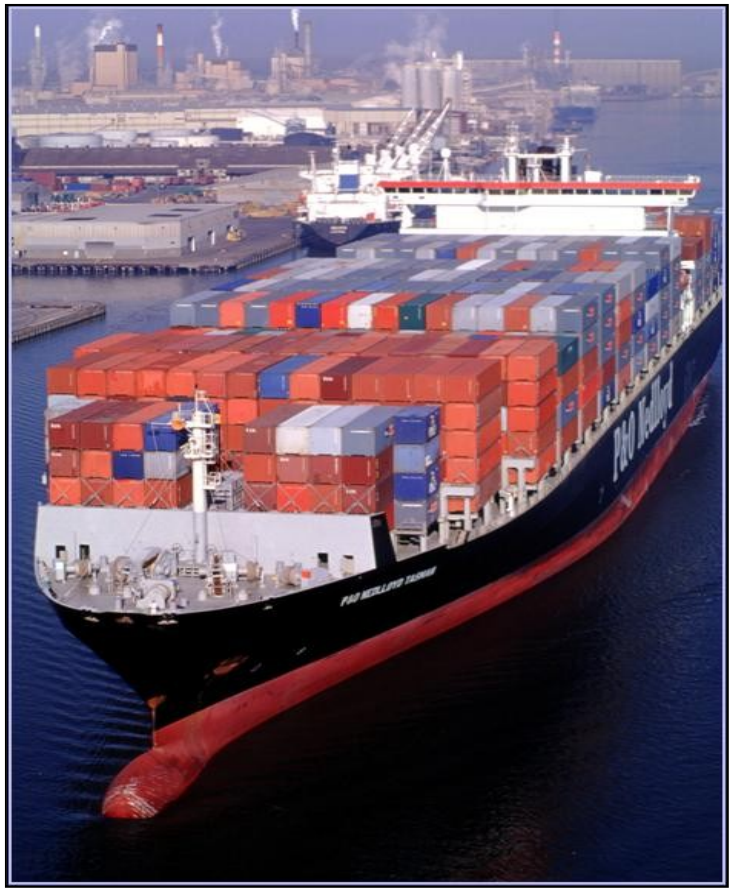
Presentation Outline

- Mission Overview
- Federal Interest
- Policy Guidance



Federal Involvement

- **The Federal Interest in Navigation is established by the Commerce Clause of the U.S. Constitution.**

Navigation provides an efficient means of commercial transportation, and contributes to the national defense.

The Corps' Navigation Mission

Provide safe, reliable, efficient, effective and environmentally sustainable waterborne transportation systems for movement of commerce, national security needs, and recreation.

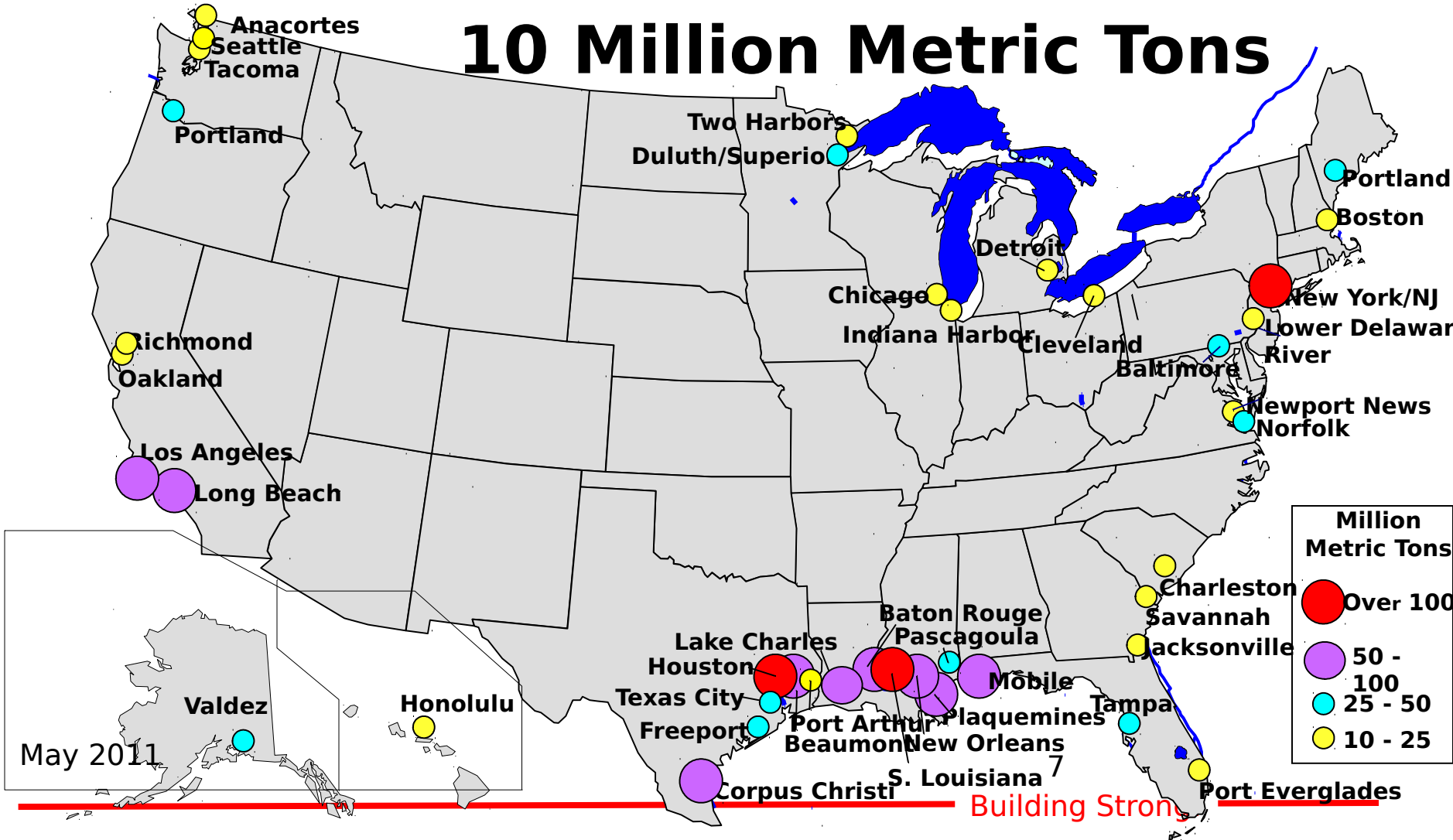
The Corps' Navigation Mission

- Federal interest in navigation is established by the Commerce Clause of the Constitution…
  - *and, subsequent court decisions defining the right of the Federal Government to regulate navigation and improve navigable waterways.*
- In 1824 Congress designated the U.S. Army Corps of Engineers as the Federal agency responsible for the Nation's navigation system.
- "Deep Draft" is generally defined as project depths greater than 14 feet.

Federal Interest / Significance

- Nationally, the Corps is responsible for maintenance of about 300 deep-draft port and harbor projects.
- These ports and harbors handle nearly 2.6 billion tons of domestic and foreign cargo annually, which is about 90% of U.S. maritime trade.
- U.S. ports and harbors support more than 13 million jobs nationwide.

U.S. Harbors Handling over 10 Million Metric Tons



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The Corps' Navigation Mission

- The navigation mission is the largest component of the Corps Civil Works program.
- The annual navigation budget for planning, engineering, construction, and operations and maintenance exceeds $1.7 billion (FY 2010).
- ~21 percent is for new construction, ~79 percent is for O&M (FY 2010).

What is the Deep Draft Navigation System?

- Channels – Provide depth & width
- Jetties & Breakwaters - Protect against waves & shoaling
- Anchorages & Turning Basins
- Local Service Facilities
- Dredged Material Disposal Sites
- Locks – Exception rather than rule for Deep-Draft Navigation

Federal Responsibilities

➢ General Navigation Features (GNF)

- Channels
- Jetties
- Anchorages
- Breakwaters
- Locks
- Disposal Sites (since WRDA 96)
- Aids to Navigation

Federal Project Features not Included as Corps Responsibility

- The U.S. Coast Guard is responsible for Aids to Navigation

  - Buoys
  - Lights
  - Ranges
  - Other Marks

Non-Federal Responsibilities

- Cost share in the construction of General Navigation Features
- Cost share O&M
- Provide LERR
- Provide LSF

Local Service Facilities

- Docks & Berthing Areas
- Terminal and transfer facilities
- Local access channels

- Must be accessible and available to all on equal terms

Policy Guidance & Authorities

Primary Authority for Deep Draft Navigation Section 101 of WRDA 86

Navigation Policy Guidance

http://www.usace.army.mil/cw/cecw-cp/library/planlib.html

Engineering Regulations

- ER 1105-2-100, Chapter 3-2
- EP 1165-2-1, Policy Digest, Chapter 12
- ER 1165-2-131 (Appendix G)
- ER 1165-2-120, -122, and -124 relate to non-Federal studies, construction, and reimbursement
- ER 1165-2-25 (Bridge Alterations)

Policy Guidance Letters (PGLs)

- There are a total of 19 navigation PGLs.
- PGLs 44, 47, 49 (superseded), 56 and 62, are perhaps the most useful--all relate to cost sharing.

Policies Affecting Navigation

- Beneficial uses of dredged material
  - Access channels
  - Single owner policy
  - Progressive developme

Beneficial Uses of Dredged Material

- Land Creation
- Beach Nourishment
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Beneficial Uses – Beach Nourishment

- **Authorized by Section 204 of WRDA 1992 and Section 207 of WRDA 1996**

- **Eligibility for Federal cost-sharing**
  - *The State requests it,*
  - *The Secretary of the Army considers it in the public interest,*
  - *Hurricane and storm damage benefits will justify the additional expense, and*
  - *The beach is open to public use.*

Beneficial Uses - Restoration/Mitigation

- Creation of wetlands is most common beneficial use
- Creation of shallow water habitat / Islands for nesting
- Ecosystem restoration can be accomplished in the context of a multi-purpose project

Policies - Access Channels

- Number of facilities served must be:
  - Two or more with separate owners

    - or

  - Under public ownership

Single Owner Situations and General vs. Special Interest Considerations

- Determination of general interest is required to apply WRDA ‘86 cost sharing.
- Determination of general interest requires consideration of number and type of properties served;
  - *Two or more facilities,*
  - *Multiple users of a single facility who have formed a non-profit cooperative,*
  - *Or a Public facility.*

Policies - Progressive Development

- Progressive development includes situations where the last small increment of a channel serves a non-public owner.

- This is treated as a multiple-owner situation unless a disproportionate incremental investment is

Special Corps Navigation Programs

- Removal of wrecks and obstructions
- Modification of existing highway and rail bridges that obstruct navigation
- Clearing and snagging for navigation
- Drift and debris removal
- Mitigation of shoreline damage
- Dredging contaminated sediments

Take Away Points

- Navigation is the oldest and largest Corps mission
  - "Federal Interest" is with the General Navigation Features
  - Policies Encourage Beneficial Use of Dredged Material

Questions/Discussion